

Magistrate Judge James P. Donohue

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FILED  
LODGED  
NOV - 9 2012  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID SCOTT ENGLE,

Defendant.

CASE NO. MJ12-592

**AMENDED**  
COMPLAINT for VIOLATION

Title 18, U.S.C.  
Sections 2251(a) and (e), 2252(a)(2)  
and (b)(1), and 2252(a)(4)(B) and  
2252(b)(2)

BEFORE James P. Donohue, United States Magistrate Judge, U. S. Courthouse, Seattle, Washington.

**COUNT ONE**  
**(Production of Child Pornography)**

Beginning on a date unknown, and continuing through no later than November 6, 2012, at Maple Valley, within the Western District of Washington, and elsewhere, DAVID SCOTT ENGLE did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and (e).

**COUNT TWO**  
**(Receipt of Material Constituting or Containing Child Pornography)**

On a date unknown, but no later than November 6, 2012, at Maple Valley, within the Western District of Washington, and elsewhere, DAVID SCOTT ENGLE did knowingly and unlawfully receive one or more images of child pornography as that term is defined by Title 18, United States Code, Section 2256, that is, visual depictions the production of which involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of such conduct, using any means and facility of interstate and foreign commerce and which images had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

**COUNT THREE**  
**(Possession of Child Pornography)**

On or about November 6, 2012, at Maple Valley, within the Western District of Washington, DAVID SCOTT ENGLE did knowingly possess matter that contained child pornography as that term is defined by Title 18, United States Code, Section 2256, that is, visual depictions the production of which involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of such conduct, that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which had been produced using materials that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252(a)(4)(B) and 2252(b)(2).

\\

\\

\\

1 And the complainant states that this Amended Complaint is based on the following  
2 information:

3 I, W.E.S. Beaty, being first duly sworn on oath, depose and say:

4 1. I am a Postal Inspector with the United States Postal Inspection Service  
5 (USPIS). I have been so employed since January 2003. I am currently assigned to the  
6 Seattle Division of the USPIS, and domiciled in Seattle, Washington. I investigate  
7 criminal violations relating to child exploitation and child pornography, including  
8 violations pertaining to the illegal production, distribution, receipt, and possession of  
9 child pornography in violation of 18 U.S.C. §§ 2251, 2252, and 2252A, in the states of  
10 Oregon, Washington, Idaho, Montana, and Alaska. I have received specialized training in  
11 the investigation of child sexual exploitation offenses from the USPIS, SEARCH, Dallas  
12 Crimes Against Children Conference, INTERPOL Working Group on Crimes Against  
13 Children, and Internet Crimes Against Children (ICAC) conferences, to include training  
14 for Internet-based investigations and online undercover investigations, and training in  
15 child forensic interviewing.

16 2. As further detailed below, based on my investigation and the investigation  
17 of other law enforcement officers, I submit there is probable cause to believe that DAVID  
18 SCOTT ENGLE has committed the violations described above. In particular, the  
19 investigation has uncovered substantial evidence that DAVID SCOTT ENGLE  
20 knowingly received child pornography on or before November 6, 2012, and knowingly  
21 possessed child pornography on November 6, 2012.

22 3. In October 2010, the USPIS and foreign law enforcement began an  
23 investigation into a movie production company that operated a website offering DVDs  
24 and streaming videos ("films") for sale. The majority of these films featured young boys  
25 and were marketed as "naturist films from around the world." Foreign law enforcement  
26 and the USPIS determined that this production company (hereinafter the "International  
27 Company") was located outside of the United States and was the subject of more than 20  
28

1 complaints to the National Center for Missing and Exploited Children's Cyber TipLine  
2 regarding the sale of child pornography.

3 4. USPS Inspectors accessed the International Company's website in October  
4 2010, and were able to review film previews, website movie summaries, and customer  
5 ordering information. On six occasions between February and April, 2011, USPS  
6 Inspectors from Brentwood, Tennessee, conducted controlled purchases of DVDs via the  
7 International Company's online ordering system. Law enforcement determined that the  
8 International Company had a shipping facility located in North Tonawanda, New York,  
9 and that the undercover online orders were transferred from the International Company to  
10 this New York-based shipping facility for fulfillment. The undercover orders were then  
11 shipped from North Tonawanda, New York via United States Postal Service (USPS)  
12 Priority Mail to a post office box in Nolensville, Tennessee.

13 5. Foreign law enforcement executed a search warrant on the International  
14 Company's business premises on May 1, 2011, and seized hundreds of DVD movies,  
15 photo DVDs, computers, and business records, including customer shipping labels and  
16 customer order histories. Many of the DVD movies included the exhibition of the  
17 genitals of nude minors. Law enforcement determined that these films were being  
18 shipped to customers worldwide, including hundreds of individuals residing in the United  
19 States. Law enforcement also determined that for those orders placed from the United  
20 States, the International Company would fill those orders via USPS Priority Mail.

21 6. In reviewing records contained in the International Company's customer  
22 database, USPS Inspector Brian Bone located a customer, DAVID S. ENGLE, with an  
23 address in Maple Valley, Washington. Inspector Bone determined that, on multiple  
24 occasions between August 2005 and April 2011, ENGLE purchased child pornography  
25 from the International Company's website. Inspector Bone and USPS employees  
26 extracted the customer invoices and purchase summary from the database, which details  
27 the purchases made by ENGLE. A summary review of these transactions showed that  
28 between August 2005 and April 2011, ENGLE purchased a total of approximately 78

1 different items on 20 different occasions via the International Company's website,  
2 totaling \$2,294.90 in United States currency, and received \$40.08 in United States  
3 currency in discounts for his orders. All transactions reviewed by USPIS employees  
4 related to ENGLE showed a billing and shipping address at a post office box in Maple  
5 Valley, Washington.

6 7. The customer records related to ENGLE show that he used three different  
7 email addresses as confirmation email addresses on his orders, one of which was  
8 "dhalloween@netzero.net." The business records associated with each customer  
9 transaction also captured the date an order was placed and the IP address associated with  
10 the computer used to place the order. Each customer transaction additionally had a  
11 product identification number which corresponded to a specific video or DVD available  
12 for purchase.

13 8. ENGLE's last order from the International Company, made on April 26,  
14 2011, included downloadable files, meaning ENGLE received them from the  
15 International Company via the Internet. All of ENGLE's prior orders included  
16 information on the shipping method selected, meaning that he received those through the  
17 mail. No shipping method was indicated for ENGLE's April 26, 2011, order. In the  
18 "options" column for this order was a remark indicating that the download link would be  
19 valid for seven days. Furthermore, in response to the question on the order form of  
20 whether he would like to receive a mailed photo DVD, ENGLE responded "no thank  
21 you."

22 9. I have reviewed the downloadable photo files that ENGLE ordered on April  
23 26, 2011, and describe them as follows:

24 This portfolio of photos consists of 137 images. Based upon the lack  
25 of visible pubic hair, lack of axial body hair, lack of muscular  
26 development and overall stature, I believe the boys depicted in these  
27 photos are prepubescent or just entering the early stages of puberty.  
28 The majority of the photos feature the boys nude. There are no  
adults seen in any of the photos. Many of the nude photos are taken  
to ensure visibility of the genitals. For example, the images  
numbered 25, 27, 28, 32, 33, and 34 feature what appears to be a  
nude prepubescent boy lying face down on a massage table. Another

1 nude prepubescent boy is massaging the first boy's back. The photo  
 2 is taken from the position of the feet of the boy who is lying down,  
 3 and is positioned to give a clear view of the boy's buttocks and anus.  
 4 Image number 54 features a nude prepubescent boy sitting down on a  
 5 tile floor. The photo is cropped from the boy's thighs to his mid-  
 6 forehead. His legs are open to fully expose his penis. The camera is  
 7 positioned from the point of view of the legs of the boy. His penis is  
 8 clearly visible and appears to be the focal point of the image.

9 10. On or about February 14, 2012, the United States Department of Justice  
 11 Criminal Division, Child Exploitation and Obscenity Section, issued an administrative  
 12 subpoena to United Online, which maintains records for Netzero.net online accounts, for  
 13 information relating to the e-mail address "dhalloween@netzero.net," one of the e-mail  
 14 addresses found in the International Company's customer database related to ENGLE's  
 15 transactions. On or about August 6, 2012, United Online responded with the account  
 16 holder name DAVID S. ENGLE, what appeared to be a prior residential address for  
 17 ENGLE in Maple Valley, and Internet Protocol (IP) addresses and logs, i.e., date and time  
 18 usage, for the e-mail address "dhalloween@netzero.net." Among that usage was  
 19 information that, on February 14, 2012, "dhalloween@netzero.net" connected to the  
 20 Internet using IP address 76.121.255.53 at 00:33:36 GMT, and disconnected from the  
 21 internet at 00:36:17 GMT.

22 11. Further investigation revealed that the IP address 76.121.255.53 was  
 23 registered to Comcast Communications (Comcast). On or about July 24, 2012, the United  
 24 States Department of Justice Criminal Division, Child Exploitation and Obscenity  
 25 Section, issued an administrative subpoena to Comcast requesting subscriber information  
 26 for the IP address on February 14, 2012 at 00:34:00 GMT, which was within the time  
 27 period United Online reported "dhalloween@netzero.net" as being connected to the  
 28 Internet. On or about July 30, 2012, Comcast provided the following relevant  
 information:

Account holder:	DAVID ENGLE
Service Address:	****, Maple Valley, WA
Start of Service:	December 30, 2005



1           12. A check with the Washington State Department of Licensing on or about  
2 September 18, 2012, revealed that an individual named DAVID S. ENGLE resides at the  
3 address provided by Comcast as described in Paragraph 11, above. A check of public  
4 records databases revealed that ENGLE purchased the residence in approximately 2003.  
5 From those same public records databases, it appears that ENGLE lived at the address  
6 described in Paragraph 10, above, prior to 2003.

7           13. A Google search for "DAVID S. ENGLE" revealed that ENGLE is an  
8 attorney working in Kent, Washington. Information on the Washington State Bar  
9 Association (WSBA) website confirmed this, and, according to the WSBA website, the  
10 mailing office for ENGLE's law practice is a post office box in Maple Valley,  
11 Washington. This is the same post office box ENGLE used as his billing and shipping  
12 address for his purchases from the International Company as described in Paragraph 6,  
13 above.

14           14. On November 2, 2012, I applied for a search warrant for the residence  
15 described above in Paragraph 11. The Honorable James P. Donohue, United States  
16 Magistrate Judge, issued the warrant, and Postal Inspectors executed the warrant today,  
17 November 6, 2012.

18           15. During a consensual, post-*Miranda* interview of ENGLE at the search  
19 warrant, ENGLE admitted to downloading child pornography on his laptop computer,  
20 which he stated was located in his residence. ENGLE estimated that there would be  
21 thousands of images of child pornography on his computer. ENGLE further admitted to  
22 ordering child pornography from the International Company. ENGLE also stated that the  
23 child pornography he ordered, as well as three other computers containing child  
24 pornography, were located in his storage locker at a different location in Maple Valley,  
25 Washington. ENGLE consented to a search of his storage locker, and accompanied  
26 Postal Inspectors to the storage locker. ENGLE identified the locations within the storage  
27 locker where the DVDs and CDs of child pornography he ordered were located. ENGLE  
28

1 also identified the location within the storage locker of three computers and USB storage  
2 drives that, according to ENGLE, would also contain child pornography.

3 16. During an onsite forensic preview of ENGLE's laptop computer by  
4 computer forensic examiners not involved in the investigation, multiple images of child  
5 pornography were identified. Postal Inspector Jeremy Leder showed me five images he  
6 believed were child pornography. I concurred that all five of images Inspector Leder  
7 showed me depicted children engaged in sexually explicit acts. Inspector Leder told me  
8 further that they had identified approximately 11,000 suspected images of child  
9 pornography on ENGLE's laptop, and that he believed there were in excess of 600 images  
10 of children engaged in sexually explicit acts.

11 17. Based on my review of the five images, I describe one of them as follows:

12 The image depicts two white male children against a light blue  
13 backdrop. Both are completely nude and have their legs spread  
14 apart. One child is sitting between the legs of the other, with his  
15 groin up against the genitals of the child in back. The child in front  
16 has his genitals fully exposed to the camera, and this is the focal  
point of the image. Based upon the lack of pubic hair, axial body  
hair, overall size and development, I believe both boys are  
prepubescent.

17 18. The remaining four images I reviewed depicted one to two boys engaged in  
18 masturbatory acts with a pubescent female that may be over 18 years of age. Based upon  
19 on the lack of pubic hair, axial body hair, lack of overall development, and size as  
20 compared to the female depicted in the photos, I believe the boys are prepubescent.

21 19. I also reviewed the DVDs recovered from ENGLE's storage locker. Based  
22 on the titles of the DVDs, I identified many of them as movies ENGLE had ordered from  
23 the International Company, including a movie titled "Boy Fights XXI: Commando  
24 Christmas (2009)." Based on my previous review of that movie, I describe its contents as  
25 follows:

26 This movie is approximately 1 hour and 56 minutes in length. It  
27 features three boys. Based on the lack of pubic hair, lack of axial  
28 body hair, lack of facial hair, overall muscular development, and  
physical stature, two of the three boys appear to be prepubescent.  
The other boy has pubic hair development but is approximately the



same size and appears only slightly older than the other two boys. Based on his lack of axial body hair, lack of facial hair, overall muscular development, and physical stature, the boy appears to be entering puberty. The video starts with an introduction featuring nude highlight scenes from the video. The movie then starts with the three young boys visiting a friend in the hospital. At approximately 9 minutes and 43 seconds, the boys return to the house. At approximately 10 minutes and 8 seconds the boys appear wearing only underwear. Approximately eight seconds later, the boys are nude. The camera runs on fast forward as the boys build beds while nude. The boys then engage in fighting and cleaning. The camera focuses repeatedly on the groin and anus of the boys, at times catching semi-erect penises. The angle of the camera shot is manipulated to repeatedly gain clear shots of the boys' genital regions. As an example, at approximately 17 minutes and 49 seconds the camera focuses from a top down view with specific focus on one of the prepubescent boys' penis. At approximately 1 hour and 33 minutes, the boys are interviewed individually by an adult male. Each boy is sitting nude during the interview. The camera is focused to provide a clear shot of the boys' groins during the interview. The film is translated with English subtitles.

20. Following the interview of DAVID SCOTT ENGLE at the search warrant, and based on investigative findings and ENGLE's statements to officers, ENGLE was arrested on probable cause for violations of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1), Receipt of Child Pornography, and Title 18, United States Code Sections 2252(a)(4)(B) and 2252(b)(2), Possession of Child Pornography. ENGLE was transported to the custody of the United States Marshals in Seattle, Washington, without incident. ENGLE made his initial appearance in United States District Court in the afternoon on November 6, 2012.

21. Later that same day, Postal Inspector Jeremy Leder began his review of the USB storage drives recovered from ENGLE's storage locker. On two of those USB storage devices, an Ativa 8GB USB drive and a Sandisk 8GB USB drive, Inspector Leder discovered multiple images and videos of ENGLE sodomizing a young male, who appeared to be approximately 8 to 14 years old. Through my contact with ENGLE during

///

1 execution of the search warrant, I recognize him in the following images and videos:

2 a. In images "100\_3106.jpg," "100\_3107.jpg," and  
3 "100\_3108.jpg," DAVID SCOTT ENGLE's face is clearly visible.

4 b. In videos "100\_1909.mpv" and "102\_3914.mov," ENGLE is  
5 completely nude and clearly visible.

6 22. Based on information contained in the EXIF data, the images and videos on  
7 the two USB storage devices appear to have been produced on multiple dates ranging  
8 between January 2006 and April 2011. EXIF data also indicates that the still images were  
9 produced using a Kodak Z650 digital camera.

10 23. I was able to confirm with Ativa Customer Support that their USB storage  
11 devices are manufactured in China. The Sandisk USB storage device bears language on it  
12 indicating that it was made in China. I was also able to confirm with a Customer Service  
13 representative of Kodak that their Z650 digital cameras are manufactured in China.

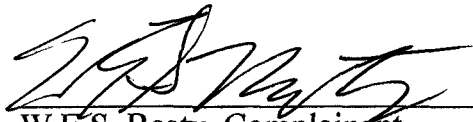
14 24. On November 8, 2012, Postal Inspector Samantha Knoll reviewed images  
15 and videos extracted from a Lexar 8GB USB storage device and a Sandisk Cruzer 8GB  
16 USB storage device. She observed multiple images and videos of DAVID SCOTT  
17 ENGLE sexually abusing the same young male referenced in Paragraph 21, above.  
18 According to the EXIF data, these images and videos appear to have been produced on  
19 multiple dates in 2012.

20 25. Both the Lexar and Sandisk Cruzer USB storage devices bear language  
21 indicating that they were manufactured in China.

22 \\  
23 \\  
24 \\  
25  
26  
27  
28

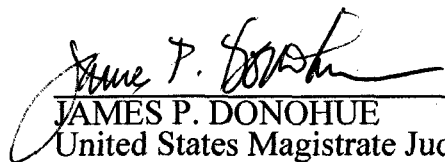
CONCLUSION

26. Based on the above facts, I respectfully submit that there is probable cause to believe that DAVID SCOTT ENGLE did knowingly and unlawfully produce, receive, and possess child pornography, in violation of Title 18, United States Code, Sections 2251(a) and (e), 2252(a)(2) and (b)(1), and 2252(a)(4)(B) and (b)(2).

  
W.E.S. Beaty, Complainant  
Postal Inspector, United States Postal Service

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Amended Complaint.

Dated this 9<sup>th</sup> day of November, 2012.

  
JAMES P. DONOHUE  
United States Magistrate Judge